

PATENT COOPERATION TREATY

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PCT/ZA2004/000007

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
APPLICATION AS PUBLISHED OR REPUBLISHED

To:

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IMPORTANT NOTICE

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Applicant

SASOL TECHNOLOGY (PTY) LTD et al

The International Bureau transmits herewith the following documents:

- ☒ copy of the international application as published by the International Bureau on 05 August 2004 (05.08.2004) under No. WO 2004/065003
- ☐ copy of international application as republished by the International Bureau on under No. WO
For an explanation as to the reason for this republication of the international application, reference is made to INID codes (15), (48) or (88) (as the case may be) on the front page of the attached document.

11 AUG 2004

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 14 APR 2005

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Applicant's or agent's file reference *_*		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/ZA2004/000007		International filing date (day/month/year) 22.01.2004		Priority date (day/month/year) 22.01.2003
International Patent Classification (IPC) or national classification and IPC B01J23/28, B01J23/30, C10G29/20, C07C7/148, C07C67/08				
Applicant SASOL TECHNOLOGY (PTY) LTD et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 02.11.2004		Date of completion of this report 15.04.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Telephone No. +31 70 340- 4467 Zuurdeeg, B. 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/ZA2004/000007

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-12 as originally filed

Claims, Numbers

1-26 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	15-17, 20, 21
	No: Claims	1-14, 18, 19, 22-26
Inventive step (IS)	Yes: Claims	16, 17, 20, 21
	No: Claims	15
Industrial applicability (IA)	Yes: Claims	1-26
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-4 415 480
D2: US-A-4 560 797
D3: EP-A-0 319 065
D4: US-A-3 846 288
D5: US-A-3 968 149
D6: WO-A-98/25876
D7: DE-A-100 12 163

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-15, 18, 19 and 22-26 either is not new in the sense of Article 33(2) PCT or does not involve an inventive step as required by Article 33(3) PCT.

To the applicant is pointed out that the wording "esterification catalyst" does not limit the scope of current claims 1-5 and has to be read as "catalyst".

The document D1 discloses the subject-matter of claims 1-5 -see claims 1-6, examples 1 and 2 and table 1.

Document D2 is novelty destroying for the subject-matter of current claims 1-5 - see example 1, tables 1 and 2.

The subject-matter of current claims 1-5 is not new in view of D3 -see examples 1 and 2, claims 1-4.

Document D4 discloses the subject-matter of claims 1, 2, 4-14, 18, 19 and 22-26, see claims 1-10 and 13-15, examples and column 2, lines 12-24.

Document D5 takes away the novelty of current claims 1-5, see column 2, line 4 to column 3, line 2, example 1-5.

3. The subject-matter of claims 15-17, 20 and 21 is new.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

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4. Dependent claim 15 does not contain any features which, in combination with the features of any claim to which it refers, meets the requirements of the PCT in respect of inventive step (Article 33(3) PCT), see document D4, column 2, lines 12-24.
5. The combination of the features of dependent claims 16, 17, 20 and 21 is neither known from, nor rendered obvious by, the available prior art.

Document D7 is regarded as being the closest prior art to the subject-matter of claim 16.

The subject-matter of claim 16 differs from this known process in that the reduction of acids is achieved by esterification instead of hydrogenation of the acids.

The problem to be solved by the present invention may be regarded as to provide a further process for removing acids from a Fischer-Tropsch stream.

The solution to this problem proposed in claim 16 of the present application is considered as involving an inventive step (Article 33(3) PCT) since the available prior art does not hint at the current solution.

Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D7 is not mentioned in the description, nor are these documents identified therein.